

111TH CONGRESS  
1ST SESSION

# S. 322

To amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2009

Mr. SCHUMER (for himself, Mr. SPECTER, Mr. CARPER, Mr. MENENDEZ, Mr. KENNEDY, Mr. DODD, Mr. WYDEN, Mr. KERRY, Mrs. BOXER, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. CARDIN, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commuter Benefits  
5 Equity Act of 2009”.

1 **SEC. 2. UNIFORM DOLLAR LIMITATION FOR ALL TYPES OF**  
2 **TRANSPORTATION FRINGE BENEFITS.**

3 (a) IN GENERAL.—Section 132(f)(2) of the Internal  
4 Revenue Code of 1986 (relating to limitation on exclusion)  
5 is amended—

6 (1) by striking “\$100” in subparagraph (A)  
7 and inserting “\$230”, and

8 (2) by striking “\$175” in subparagraph (B)  
9 and inserting “\$230”.

10 (b) INFLATION ADJUSTMENT CONFORMING AMEND-  
11 MENTS.—Subparagraph (A) of section 132(f)(6) of the In-  
12 ternal Revenue Code of 1986 (relating to inflation adjust-  
13 ment) is amended—

14 (1) by striking the last sentence,

15 (2) by striking “1999” and inserting “2009”,  
16 and

17 (3) by striking “1998” and inserting “2008”.

18 (c) EFFECTIVE DATE.—The amendments made by  
19 this section shall apply to taxable years beginning after  
20 December 31, 2008.

21 **SEC. 3. CLARIFICATION OF FEDERAL EMPLOYEE BENEFITS.**

22 Section 7905 of title 5, United States Code, is  
23 amended—

24 (1) in subsection (a)—

25 (A) in paragraph (2)(C) by inserting  
26 “and” after the semicolon;

1 (B) in paragraph (3) by striking “; and”  
2 and inserting a period; and

3 (C) by striking paragraph (4); and  
4 (2) in subsection (b)(2)(A) by amending sub-  
5 paragraph (A) to read as follows:

6 “(A) a qualified transportation fringe as  
7 defined in section 132(f)(1) of the Internal Rev-  
8 enue Code of 1986;”.

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